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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,591	08/01/2001	Ian Bendell	076776-0115	2579

22428 7590 09/28/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/919,591

Applicant(s)

BENDELL ET AL.

Examiner

Ljiljana (Lil) V. Ciric

Art Unit

3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 16 September 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: none.

Claim(s) objected to: 10 and 12.

Claim(s) rejected: 1-3,6,8,9,11 and 13-20.

Claim(s) withdrawn from consideration: 4.

8. ☒ The drawing correction filed on 10 August 2004 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

  
Ljiljana (Lil) V. Ciric  
Primary Examiner  
Art Unit: 3753

Continuation of 2. NOTE: The proposed changes to the claims would change the scope of the claims, thus necessitating further search and/or consideration.

Continuation of 5. does NOT place the application in condition for allowance because, for example: (a) the limitations relied upon by applicant for patentability are NOT recited in the rejected claims; and, (b) intended use limitations in apparatus claims generally cannot be relied upon to impart patentability to the same.

Continuation of 10. Other: The proposed amendment fails to fully comply with the revised amendment practice in accordance with 37 CFR 1.121 effective 30 July 2003. For example, an accompanying clean copy of an amended abstract should not be presented. Any marked-up copies of drawings must be labeled "Annotated Marked-up Drawings". Proposed deletions of five characters or fewer, where strikethrough is not readily perceived [i.e., such as the proposed deletion of "or" in claims 1 and 17, "3" in claim 4, "7" in claim 10, "5" in claim 12, and "3" in claim 13] must be shown using double brackets in lieu of strikethrough, for example. See attached Notice of Non-Compliant Amendment for additional details. The replacement drawings are disapproved because these replacement drawings, while essentially adding a second reference numeral (i.e., "31") to additional correspond to the previously shown connection structure (i.e., flanges 14), thus still failing to specifically show (as required) a connection structure consisting of at least one of a bonding, frictional, or interlocking fastener or arrangement as recited in each of claims 19 and 20.

